

As you may know, Border Patrol Agent Jesus Diaz was recently given a two-year prison sentence for using unreasonable force during an arrest of a drug smuggler. I certainly do not condone the use of excessive force, but the facts of this case raise serious questions about the Justice Department's decision to prosecute Agent Diaz. It is my understanding that the smuggler in question was given immunity in exchange for his testimony against Agent Diaz even though it was contradicted by photographic evidence and by testimonies from other agents at the scene. Additionally, Agent Diaz was cleared of all wrongdoing in this matter by the U.S. Department of Homeland Security's Office of the Inspector General and the U.S. Customs and Immigration Enforcement's Office of Professional Wrongdoing.

I am alarmed by the Department of Justice's disregard of these internal investigations and am concerned that the prosecution of Agent Diaz could have a chilling effect on the law enforcement officers tasked with the dangerous mission of protecting our nation's borders. For these reasons, I recently joined 36 other members of Congress in asking President Obama to address several concerns regarding the prosecution of Agent Diaz and its potentially negative impact on the performance of the Border Patrol. We also requested the President to indicate whether he believes the two-year prison sentence was justified. The letter states in part:

"It is our belief that the prosecution of Agent Diaz by the U.S. Attorney's Office of the Western District of Texas, also responsible for putting other agents behind bars, is a disservice to the men and women of the Border Patrol and the mission they undertake... Ultimately, we believe that prosecution of Border Patrol agents, including the case against Agent Diaz, sets a dangerous precedent for handling these issues in the future and could force agents to hesitate in the line of duty posing a risk to their own lives and the lives of others. Border Patrol agents must be able to appropriately and effectively protect our nation's border without the threat of federal prosecution hanging over their head."

You can view the full text of the letter [here](#).